

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.
Dwayne GERLOFF)
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)
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)
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Case No.

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 13, 2023 in the county of Webb in the
Southern District of Texas, the defendant(s) violated:*Code Section*

8 USC 1324

Offense Description

Knowing and in reckless disregard of the fact that an alien had come to, entered, and remained in the United States in violation of law, did transport and move and attempted to transport and move and conspired to transport and move such alien within the United States by means of transportation and otherwise in furtherance of such violation of law.

This criminal complaint is based on these facts:

Continued on Affidavit

☒ Continued on the attached sheet./S/Efrem Lopez*Complainant's signature*Efrem Lopez, Border Patrol Agent*Printed name and title*

Sworn to before me and signed in my presence,

Date: June 15, 2023*Judge's signature*City and state: Laredo, TexasDiana Song Quiroga, U.S. Magistrate Judge*Printed name and title*

AFFIDAVIT
In support of Criminal Complaint

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

V.

Dwayne GERLOFF

Case Number:

1. On June 13, 2023 at approximately 9:30 p.m. Laredo North Border Patrol Agents (BPAs) assigned to the Immigration Checkpoint on IH-35 located 29 miles north of Laredo, Texas in Webb County encountered a blue tractor pulling a white trailer in the primary inspection lane.

2. When the tractor stopped, the driver, later identified as Dwayne GERLOFF, said he was in a hurry and had to go. BPA asked GERLOFF for consent to search the sleeper of the blue tractor. GERLOFF responded "Yeah, it's fine", but appeared hesitant to open the door. When GERLOFF opened the driver's door he made an excited utterance saying "I don't know them man" as he opened the curtain to the sleeper cab of the tractor. BPA noticed that inside the sleeper were several people underneath blankets. BPA suspected that the people under the blankets were undocumented non-citizens (UNCs) and detained GERLOFF until an immigration inspection could be completed on the suspected UNCs.

3. BPAs conducted an immigration inspection on the subjects in the sleeper cab and determined that all 12 subjects were illegally present in the United States (U.S.). GERLOFF was placed under arrest for alien smuggling and was taken into the Laredo North Immigration Checkpoint along with all 12 UNCs for further processing.

4. Principal Statement: Dwayne GERLOFF acknowledged his Miranda rights and agreed to provide the following audio and video recorded statement without an attorney present. GERLOFF said he had just been released after serving 20 months confinement of a 24 month sentence for an alien smuggling case in 2021. GERLOFF said he met a man at a gas station who claimed to be the owner/operator of a trucking business. The man offered GERLOFF a job driving tractor trailers. Several weeks later GERLOFF drove a load of toilets to Texarkana, AR for 140 USD. Earlier in the day on June 13, 2023 GERLOFF received another call from the man telling him another load was ready. The man picked GERLOFF up and drove him to the truck which was parked on the side of the road near a gas station. The truck was already running when GERLOFF got in and the man told GERLOFF to call him once he was north of San Antonio, TX. GERLOFF said he did not know anyone else was in the cab.

5. Material Witness, Reina PEREZ Gomez, a citizen of Mexico said she paid 5,000 USD to cross from Nuevo Laredo, Mexico into Laredo, TX. She had agreed to pay an additional 5,000 USD when she arrived at her final destination in Kentucky. She illegally entered the U.S. on June 12, 2023 by crossing the Rio Grande River into Laredo, TX. She and other UNCs walked for about 30 minutes until they reached an abandoned house. Before crossing the river, she was given instructions to wait at the house until they were picked up. The next day, June 13, 2023, a white car arrived and took her to a blue tractor. She was told to get into the tractor and sit on the bed. Once all the UNCs were in the tractor she said the driver, who she described as white complected and having long hair, asked in English if they were ready. PEREZ Gomez was presented with a six person photo array and was able to positively identify the driver as Dwayne GERLOFF.

SUBSCRIBED and SWORN to before me on

15th

day of

June, 2023_____
Signature of Judicial Officer_____
/S/ Lopez, Efrem Border Patrol Agent_____
Signature of Complainant